

**PATENT**  
**Customer No. 22,852**  
**Attorney Docket No. 05725.1419-00000**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Xavier BLIN et al. ) Group Art Unit: 1618  
Application No.: 10/528,835 ) Examiner: Eric E. SILVERMAN  
§371 (c) Date: October 5, 2005 ) Confirmation No.: 3743  
For: COMPOSITION COMPRISING A )  
SEQUENCED POLYMER AND A )  
GELLING AGENT )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**VIA EFS WEB**

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the listed documents on the attached PTO SB/08 Form. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patents, patent application publications, co-pending applications and respective office actions are not enclosed as they are available on the Imaged File Wrapper of PAIR. The non-patent literature document, Aldrich was cited by the Examiner in co-pending U.S. Patent Application No. 10/573,579, and accordingly, no copy is attached.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an “adverse decision” by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of “substantially similar claim[s]” to the Office. See also M.P.E.P. § 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a statement regarding the non-English language documents:

1. **EP 0 080 976**: An English language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.
2. **EP 0 549 494**: This document is believed to be related to U.S. Patent Nos. 5,756,635 and 6,258,916, cited on the attached IDS Form PTO/SB/08.
3. **EP 0 550 745**: The European Patent Office’s website indicates that WO 93/001797, cited on the attached IDS Form PTO/SB/08 and submitted herewith, takes the place of EP 0 550 745, cited on the attached IDS Form PTO/SB/08. EP 0 550 745 and WO 93/001797 are believed to be related to U.S. Patent

No. 5,519,063, cited on the IDS Form PTO/SB/08 submitted with the Information Disclosure Statement filed January 17, 2008.

4. **EP 0 667 146**: This document is believed to be related to U.S. Patent Nos. 6,120,781 and 6,132,742, cited on the attached IDS Form PTO/SB/08.
5. **EP 0 750 031**: This document is believed to be related to U.S. Patent No. 6,881,780, cited on the attached IDS Form PTO/SB/08.
6. **EP 0 847 752**: This document is believed to be related to U.S. Patent No. 6,649,173, cited on the attached IDS Form PTO/SB/08.
7. **EP 0 861 859**: This document is believed to be related to U.S. Patent No. 6,140,431, cited on the attached IDS Form PTO/SB/08.
8. **EP 0 951 897**: This document is believed to be related to U.S. Patent No. 6,180,123, cited on the attached IDS Form PTO/SB/08.
9. **EP 1 024 184**: This document is believed to be related to U.S. Patent No. 6,399,691, cited on the attached IDS Form PTO/SB/08.
10. **EP 1 043 345**: This document is believed to be related to U.S. Patent No. 6,692,733 B1 cited on the IDS Form PTO/SB/08 submitted with the Information Disclosure Statement filed January 17, 2008.
11. **EP 1 066 817**: This document is believed to be related to U.S. Patent No. 6,342,237, cited on the attached IDS Form PTO/SB/08.
12. **EP 1 201 221**: This document is believed to be related to U.S. Publication No. 2002/0098217, cited on the attached IDS Form PTO/SB/08.

13. **EP 1 279 398**: This document is believed to be related to U.S. Publication No. 2003/0059392 A1 cited on the IDS Form PTO/SB/08 submitted with the Information Disclosure Statement filed January 17, 2008.

14. **EP 1 356 799**: This document is believed to be related to U.S. Publication Nos. 2003/0003154 and 2005/0201958, and U.S. Patent Nos. 6,946,518 and 7,358,303, cited on the attached IDS Form PTO/SB/08.

15. **EP 1 366 741**: This document is believed to be related to U.S. Publication No. 2004/0039101 A1 cited on the IDS Form PTO/SB/08 submitted with the Information Disclosure Statement filed January 9, 2008.

16. **EP 1 366 744**: This document is believed to be related to U.S. Publication No. 2004/0009136 A1 cited on the IDS Form PTO/SB/08 submitted with the Information Disclosure Statement filed January 17, 2008.

17. **FR 2 077 143**: This document is believed to be related to U.S. Patent No. 3,910,862, cited on the attached IDS Form PTO/SB/08.

18. **FR 2 079 785**: This document is believed to be related to U.S. Patent No. 3,637,160, cited on the attached IDS Form PTO/SB/08.

19. **FR 2 140 977**: An English language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.

20. **FR 2 232 303**: This document is believed to be related to U.S. Patent Nos. 3,937,811 and RE29871, cited on the attached IDS Form PTO/SB/08.

21. **FR 2 393 573**: This document is believed to be related to U.S. Patent Nos. 4,165,367 and 4,223,009, cited on the attached IDS Form PTO/SB/08.

22. **FR 2 710 646**: This document is believed to be related to U.S. Patent No. 5,711,940, cited on the attached IDS Form PTO/SB/08.

23. **FR 2 792 190**: An English language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.

24. **FR 2 823 101**: This document is believed to be related to U.S. Publication No. 2003/0039621 cited on the attached IDS Form PTO/SB/08.

25. **FR 2 831 430**: This document is believed to be related to U.S. Publication No. 2003/017124, cited on the IDS Form PTO/SB/08 submitted with the Information Disclosure Statement submitted March 1, 2006.

26. **FR 2 834 458**: An English language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.

27. **FR 2 842 417**: This document is believed to be related to U.S. Publication No. 2004/0241118, cited on the attached IDS Form PTO/SB/08.

28. **FR 2 844 709**: This document is believed to be related to U.S. Publication No. 2004/0142831, cited on the attached IDS Form PTO/SB/08.

29. **JP 06-279323**: An English language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.

30. **JP 07-196450**: An English language abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.

31. **JP 07-309721**: An English language abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.

32. **JP 07-324017**: This document is also believed to be related to U.S. Patent No. 5,747,013, cited on the attached IDS Form PTO/SB/08.

33. **JP 08-119836**: An English language abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.

34. **JP 09-263518**: An abstract of the disclosure of this document can be found in the English language Patent Abstract of Japan, submitted herewith, and cited on the attached IDS Form PTO/SB/08.

35. **JP 10-506404**: Published as WO 96/10044, this document is not available except in the form of the PCT document. WO 96/10044 is believed to be related to U.S. Patent No. 6,280,713, cited on the attached IDS Form PTO/SB/08.

36. **JP 11-124312**: This document is believed to be related to U.S. Patent No. 6,326,011, cited on the attached IDS Form PTO/SB/08. Additionally, an English language Derwent Abstract is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.

37. **JP 2000-319325**: This document is believed to be related to U.S. Patent No. 6,552,146, cited on the IDS Form PTO/SB/08 submitted with the Information Disclosure Statement filed July 19, 2006.

38. **JP 2002-201110**: This document is believed to be related to U.S. Publication Nos. 2004/0116634, 2004/0167304, 2004/0116628, 2004/0115149, 2004/0115148, 2004/0109838, 2005/0032998, 2004/0097657, 2004/0096409, 2005/0232887, 2004/0115157, 2005/0089536, 2004/0109836, 2004/0141937,

2004/0091444, 2004/0109835, 2008/0069793, 2008/0107617, and 2008/0207773, and U.S. Patent Nos. 6,833,419, 6,891,011, 6,964,995, 7,022,791, 7,025,973, 7,053,146, 7,081,507, 7,151,137, 7,186,405, 7,186,774, 7,244,421, 7,279,154, 7,297,328, 7,332,155, 7,393,520, and 7,399,478, cited on the attached IDS Form PTO/SB/08.

39. **JP-2002-201244**: JP-2002-201244 was cited by the Examiner during the prosecution of co-pending Application No. 10/670,478, filing date September 26, 2003, and a computer translation was provided. Also, an English language abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.

40. **JP 5-221829**: An abstract of the disclosure of this document can be found in the English language Patent Abstract of Japan, submitted herewith, and cited on the attached IDS Form PTO/SB/08.

41. **WO 01/13863**: An English language abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith. An English-language abstract is also found on the face of the document.

42. **WO 01/51018**: An English language abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith. An English-language abstract is also found on the face of the document.

43. **WO 02/05762**: This document is believed to be related to U.S. Patent Application Publication No. 2004/0052745, cited on the attached IDS Form PTO/SB/08. An English-language abstract is also found on the face of the document.

44. **WO 03/046032**: This document is believed to be related to U.S. Publication No. 2003/0124074, cited on the IDS Form PTO/SB/08 submitted with the

Information Disclosure Statement filed July 19, 2006. Additionally, this document is believed to be related to U.S. Publication Nos. 2007/0003506, 2007/0003507, and 2008/0159965, cited on the attached IDS Form PTO/SB/08.

45. **WO 2004/022009**: This document is believed to be related to U.S. Publication Nos. 2004/0137020, 2004/0137021, 2006/0099231, and 2006/0134038, cited on the attached IDS Form PTO/SB/08.

46. **WO 2004/022010**: This document is believed to be related to U.S. Publication Nos. 2004/0137020, 2004/0137021, 2006/0099231, and 2006/0134038, cited on the attached IDS Form PTO/SB/08.

47. **WO 96/10044**: This document is believed to be related to U.S. Patent No. 6,280,713, cited on the attached IDS Form PTO/SB/08. This document is also the publication of JP H10-506404, which is not available except in the form of the PCT document. An English-language abstract is also found on the face of the document.

48. **WO 98/31329**: This document is believed to be related to U.S. Patent No. 6,126,929, cited on the attached IDS Form PTO/SB/08.

49. **European Search Report for EP 03 292 383**: This is the European Search Report for EP 03 292 383 for co-pending Application No. 10/670,388 (Attorney Docket No. 05725.1243-00).

50. **French Search Report for FR 02/11949**: This is the French Search Report for FR 02/11949 for co-pending Application No. 10/670,478 (Attorney Docket No. 05725.1242-00).

51. **French Search Report for FR 03/11340**: This is the French Search Report for FR 03/11340 from which co-pending Application No. 10/949,448 (Attorney Docket No. 05725.1374-00) claims priority.

52. **French Search Report for FR 04/03090**: This is the French Search Report for FR 04/03090 from which co-pending Application No. 11/089,210 (Attorney Docket No. 06028.0097-00) claims priority.

53. **French Search Report for FR 04/50572**: This is the French Search Report for FR 04/50572 from which co-pending Application No. 11/086,906 (Attorney Docket No. 05725.1424-00) claims priority.

54. **International Search Report for PCT/IB2005/000230**: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/585,817 (Attorney Docket No. 05725.1586-00).

55. **International Search Report for PCT/IB2005/000236**: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/585,818 (Attorney Docket No. 05725.1589-00).

56. **Pigeon, R. et al., Chimie Macromoleculaire Appliquee, no. 600, 40/41 (1074), pp. 139-158**: An English-language abstract is found on the first and second pages of the document.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited document(s) do not constitute "prior art" under United States law,

Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
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Dated: September 14, 2009

By: \_\_\_\_\_

  
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